

### **REMARKS**

Claims 6, 12 and 14 are amended herein. Support for the amendment to Claims 6 is found in the original claims, example, original Claim 14, and in the specification, for example, at page 21, first full paragraph, at page 22, first full paragraph, at page 29, second full paragraph, at the paragraph bridging pages 30-31, at the paragraph bridging pages 33-34, and at the paragraph bridging pages 34-35. Support for the amendment to Claim 14 is found in the specification, for example, at page 8, third paragraph, and Claim 8 as originally filed. Claim 12 is amended for clarity without changing the scope of the claimed subject matter, and support for the amendment is found in the specification, for example, at page 18, lines 16-20. Accordingly, the amendments do not add new matter.

Upon entry of the amendment, Claims 6, 7, 9-12 and 14 are under examination.

#### **Rejection of Claim 12 under 35 U.S.C. §112**

Claim 12 is rejected under 35 U.S.C. §112 as being indefinite. The Office Action states that the phrase "the metal complex" lacks antecedent basis.

In order to more fully clarify that which is claimed, Applicants have amended Claim 12 to remove the objected-to phrase "the metal complex" and to replace it with the phrase "the mixture." As indicated in the Office Action, the phrase "the mixture" is appropriate and has antecedent basis. In view of the amendment to Claim 12, Applicants respectfully request removal of the rejection of Claim 12.

#### **Rejection of Claims 6 and 7 under 35 U.S.C. §103**

Claims 6 and 7 are rejected under 35 U.S.C. §103 as being obvious over Hattori (U.S. Pat. No. 6,878,445).

Hattori does not render presently pending Claims 6 and 7 obvious because Hattori does not teach all elements of the claims.

Claim 6 as presently pending recites, *inter alia*, that the amine compound and the starting material containing a metal salt and a fatty acid are solid at the beginning of the heat treatment. Hattori does not teach an amine compound and a starting material containing a metal salt and a fatty acid that are solid at the beginning of heat treatment. Hattori teaches that in preparing

nanoparticles capable of forming the CuAu type or Cu<sub>3</sub>Au type hard magnetic ordered alloy phase, “a *vapor phase* method or a *liquid phase* method, or any other known nanoparticle forming methods can be employed.” *Hattori* at column 3, lines 24-31. And Hattori further teaches that the liquid phase method is preferable. Hattori then teaches solvents used in the liquid phase method, such as “an organic solvent, water or a mixture of the organic solvent and water.” *Hattori* at column 3, lines 32-38. Further, all of Hattori’s working examples appear to be based on using Coating Liquid (1) or Coating Liquid (2), which contain organic solvent. *Hattori* at column 21, line 40, through column 22, line 45. Hattori never contemplates a method that uses solids at the beginning of heat treatment. Thus, Hattori does not teach an amine compound and a starting material containing a metal salt and a fatty acid that are solid at the beginning of heat treatment. As such, Hattori does not teach this element of Claim 6.

The Office Action indicates that Claim 14, as previously pending, was allowable. The present amendment to Claim 6 has added the language of Claim 14 to Claim 6. Thus, Applicants assertion that presently pending Claim 6 is non-obvious is consistent with the position taken by the Office Action with regard to Claim 14 as previously pending. Accordingly, in view of the above, Applicants submit that Claim 6, and claims dependent therefrom, are non-obvious over Hattori.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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### **CONCLUSION**

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues might be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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